APPENDIX G.

BILLS VETOED—REGULAR SESSION OF TWENTY-EIGHTH LEGISLATURE.

EXECUTIVE VETOES FILED WITH THE SECRETARY OF STATE AFTER ADJOURNMENT OF THE REGULAR SESSION OF THE TWENTY-EIGHTH LEGISLATURE.

Furnished the Journal Clerk by Hon. J. R. Curl, Secretary of State.

SENATE BILL NO. 127.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 4, 1903.

To the Secretary of State:

I disprove and herewith transmit Senate bill No. 127, entitled "An Act to fix and regulate the salaries of the superintendents and assistant physicians of the insane asylums of the State of Texas, and regulate the appointments of the assistant physicians."

My objections to this bill are as follows:

It is not believed to be good policy to increase the salaries of officers during the period of their incumbency. Article 4853 of the Revised Statutes is as follows: "The salaries of officers shall not be increased nor diminished during the term of office of the officers entitled thereto."

The present superintendents of our insane asylums have already been selected, and they have accepted the positions they now hold with full knowledge of the extent of the salary which the law provides.

In addition to their regular salary, they are allowed respectively to receive provisions not to exceed in value $500 per year and fuel, lights, water and housing for themselves and families.

Thus far the State has been able to secure competent and worthy men to fill the places affected by this bill, and it is confidently believed that it will be possible for it to do so in the future.

This bill makes no provision for an increase of the salaries to be paid to the superintendents and assistant physicians to be hereafter appointed at the Epileptic Colony, and in this respect it would be unequal in its operations, as the requirements of that institution will call for capable men and efficient work, and their salaries should not be less than those paid to others engaged in similar service at the insane asylums.

The condition of the treasury, in view of the charges already and hereafter to be made upon it, is not such as to warrant the additional expenditure that this bill and others of like nature would require. It seems to be an inopportune time to increase salaries of public officials. The compensation allowed under existing law to the beneficiaries of this bill is not disproportionate to that paid to others engaged in the public service.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 22.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 4, 1903.

To the Secretary of State:

I disapprove and transmit herewith Senate bill No. 22, styled "An Act to organize a Board of Pardon Advisers and more fully define its powers and duties."

Independent of any other objection which might be suggested, it is enough to say that the public treasury now has and hereafter will have such demands upon it as to render it inexpedient at this time to further charge it with an increase of official salaries.

There has been no difficulty in securing good men to act as Pardon Advisers under the salary now provided by law, nor is there any future trouble apprehended on that account.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 114.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, April 4, 1903.

To the Secretary of State:

I disapprove and herewith transmit

Senate bill No. 114, entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches and to keep the same lighted from sunset to sunrise and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all sidings connecting with the main line and upon which sidings cars are left standing; and providing penalties and remedies for the violation of the provisions of this act, and providing an emergency."

Upon receipt of this bill, I submitted the same to the Railroad Commission and requested their examination thereof and their comments thereon. I have received their reply accompanied by a letter from their chief engineer, which are attached hereto and made a part hereof. For the reasons therein stated, I veto this bill.

S. W. T. LANHAM,
Governor.

(Letter from L. J. Storey.)

RAILROAD COMMISSION OF TEXAS.
Austin, March 25, 1903.

Hon. S. W. T. Lanham, Governor of Texas, Austin, Texas.

DEAR SIR: Senate enrolled bill No. 114, received from your office on the 24th inst., with your request to examine the same and to state what objections, if any, we find to its becoming a law, has received the careful consideration of this Commission, and I am instructed to say: This bill should be considered largely as an engineering proposition, and as such we have seen proper to consult our chief engineer, in whose ability we have confidence, and we herewith submit to your Excellency a copy of his reply, and to say that we approve the statement and conclusions reached by him.

Respectfully,
(Signed) L. J. STOREY,
For the Commission.

(Letter from R. A. Thompson, Engineer.)
Copy.

RAILROAD COMMISSION OF TEXAS.
Austin, March 24, 1903.

To the Honorable, The Railroad Commission of Texas, Austin, Texas.

DEAR SIRS: In response to your verbal request that I give you my opinion as an engineer of the requirement of Senate bill No. 114, which has been passed by the Legislature and is now referred to you by his Excellency, the Governor, for your views on same, beg to respectfully advise: That, as provided in Section 1 of said bill, to require the railroad companies of the State to provide and maintain switch lights at all switches that connect with the main line and keep same lighted from sunset to sunrise, would be an impracticable as well as an unreasonable proposition. A large uumber of the switches that connect the main lines of the railroads of the State with their spur tracks and sidings, are situated at out of the way points where there are no permanent employes in the way of depot agents, switchmen, yardmen or sectionmen located who could be required to perform the duty of caring for and protecting such lights. Such switches accommodate short spurs or sidings to small industries as wood yards, small saw mills, cattle pens, cotton gins, etc.; also passing tracks for the convenience of trains and flag stations, where the necessities do not warrant the keeping of agents or permanent employes of any kind, but which are of great advantage to the small communities that surround them. This bill, if it becomes a law, will have the effect of deterring the railroad companies from putting in short spurs or sidings for the accommodation of small communities, on account of the expense of providing and maintaining switch lights.

Switch lights are now provided by nearly all of the railroad companies of the State who operate night trains, at the switches of such sidings and spurs as are adjacent to and can be reached from depots, section houses and yards, where permanent employes reside. To require that switch lights be placed and maintained at isolated sidings and spurs would necessitate the employment of additional men by the railroad companies, probably one man for each siding and spur, and these men would have to have quarters provided, etc. It would be difficult, almost impossible, to maintain and protect such switch light from being destroyed, or stolen by irresponsible persons, unless a separate employe was provided for each situation.

In view of the above, I do not think the bill should become a law as it now reads, and further, I do not think the present danger of traffic warrants the additional expense that the railroad companies must provide for to protect such points as is contemplated.

With regard to Section 2 of the said bill, which requires that derailing switches be provided for all sidings connecting with the main lines of railroads upon which cars are left standing, it is

my opinion that this would be a needless and unnecessary measure of protection in such cases where the grade of the siding is down and away from the switch. In such cases cars would have to move up grade in order to foul the main line, which they could not do by reason of their own weight and a derail would never be called upon to perform its function except perhaps in case of storms, etc. It is, however, very desirable that derailing devices be required where the grade of the siding is toward or down to the switch connecting with the main line, and upon which cars left standing would have a tendency by reason of their own weight, augmented by wind pressure, often to roll down and foul the main line and thus promoting dangerous wrecks. It is now the common practice of all railroad companies operating roads of the first class, to so protect them by derails on those sidings whose grades descend toward the connecting switch, and in only such cases do I think the dangers of the situation warrant the requiring by law of such derails.

Very respectfully,
(Signed) R. A. THOMPSON,
Engineer.

HOUSE BILL NO. 369.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 4, 1903.

To the Secretary of State:

I transmit herewith House bill No. 369, entitled "An Act defining unlawful insurance business, and fixing the punishment of persons engaged therein or connected therewith, and providing for examination by the Insurance Commissioner of the business of insurance companies, associations or societies."

I disapprove this bill, and submit the following reasons for my action:

The first provision of Section 1 of the act defining "an unlawful insurance business" is unobjectionable, but amounts in legal effect to no more than a statement of what the law is and will continue to be without the enactment of this statute.

If the act had gone no further than to declare its misdemeanor punishable by fine and imprisonment for the officers of an insurance company, who are entrusted with the control of its business and responsible for the legal conduct thereof, to act or continue to act for such company engaged in such unlawful business, I probably would not have felt it my duty to interpose any objection to the legislative will, as declared in the act.

But the act goes much further. It is familiar knowledge that insurance covers now nearly the entire field of business, and is carried on, largely, through the instrumentality of an army of agents none of whom have any control over the conduct of the business, in so far as it is regulated by the express requirements of the statutes of the State. These requirements are very numerous, covering every detail of the business from the date of the organization of the company.

This act imposes upon every agent of the company the burden of keeping himself informed, at all times, as to whether all of these various requirements of the statutes have been complied with by his company.

Should there occur any failure on this point, to comply with any of these express requirements, it would be the duty of the agent to at once cease to act for the company. His acting or continuing to act as agent for the company is made a misdemeanor, punishable by fine and imprisonment.

It will thus be seen that the local agents of any insurance company may be subjected to a criminal prosecution, convicted, fined and imprisoned without any knowledge on their part that they have committed any offense against the law. They may be caused to make vicarious atonement for the sins of others, over whom they exercise no control and of whose delinquencies they have no knowledge. This is contrary to the whole spirit of our criminal law, and to an enlightened sense of justice. I think it no answer to this objection that no agent would be convicted without showing a knowledge on his part that the circumstances existed to make his act a crime.

The act in question makes him legally guilty and legally subject to conviction without such knowledge or any reasonable means of obtaining it, and in my judgment, should not become a law.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 541.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 4, 1903.

To the Secretary of State:

I disapprove and transmit herewith House bill No. 541, styled "An Act to provide for the recompilation of an abstract of the located, titled, patented and unpatented lands of the State of Texas."

My reasons for vetoing this bill are as follows:

I am advised that the recompilation proposed would cost fully forty thousand dollars. However desirable it may be to have the work done which is suggested in this bill, the state of our public finances is not such as to justify the expenditure involved, when we consider the large appropriations that have already been made and will hereafter be required to meet the necessary demands of the public service.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 146.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 4, 1903.

To the Secretary of State:

I herewith transmit House bill No. 146, styled "An Act to fix and limit the fees of the justices of the peace of the State of Texas in civil and misdemeanor cases."

I disapprove this bill for the following reasons:

By a manifest inadvertence in enrolling the bill, an amendment which was adopted and intended to be inserted in the proper place, was so copied that the effect of it, if the bill should become a law, would be to deprive the justices of the peace of all fees in cases where the plea of guilty might be entered. Whatever the record may disclose, I can only look to the bill as authoritatively presented to me and signed by the presiding officers of the Senate and House of Representatives. Accordingly, I must veto this bill, or otherwise the officers whose fees were intended to be provided for would be deprived of what they are by existing law entitled to receive.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 385.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 6, 1903.

To the Secretary of State:

I disapprove and herewith transmit House bill No. 385, styled "An Act to amend Article 5065, Chapter 2, Title CIV, of the Revised Statutes of the State of Texas, to exempt from taxation armories, lands and funds of militia companies that are members of the Texas Volunteer Guard.

I object to this bill because it is in violation of Section 2, Article 8, of our Constitution, which expressly provides that all laws exempting from taxation property, of the kind described in this bill, shall be void.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 478.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 6, 1903.

To the Secretary of State:

I disapprove and herewith transmit House bill No. 478, entitled "An Act authorizing Cooke county to issue bonds for the construction of permanent main roads; regulating the expenditure of the funds arising thereform and authorizing any percinct in said Cooke county to vote a special road tax upon the property of such precinct and to issue bonds for the construction of permanent main roads therein and to secure to such precinct its proper and lawful share of the regular road and bridge tax, and to exempt certain vehicles from taxation, and declaring an emergency."

My objections to this bill are as follows:

Section 15 of the bill purports to exempt from taxation, State and county, all vehicles with tires over a given width.

Section 2, of Article 8, of the Constitution provides that all laws exempting property from taxation other than that specified in the article mentioned, shall be void. There is nothing in the article under which the exemption is attempted to be made, whereby it could be upheld.

The bill also attempts to authorize subdivisions of Cooke county to impose by a vote a tax for road purposes.

The Constitution only allows this right to the entire county.

In my judgment this bill is in violation of the Constitution, for the reasons stated.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 163.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 6, 1903.

To the Secretary of State:

I disapprove and transmit herewith Senate [*House] bill No. 163, entitled "An Act to require operators of cotton gins, their agents or lessees to report to the county judge of their respective counties the number of bales ginned and weighed by them every month as hereinafter provided, and prescribing a penalty for failure to make said reports, and declaring an emergency."

My reasons for this action are as follows:

Section 35, Article 3, of our Constitution requires that the subject of a bill shall be expressed in its title, and it has been held by the courts that this provision is mandatory.

By its title this bill purports to be an act to require operators of cotton gins to report to the county judge of their respective counties the number of bales ginned, etc.

The bill itself provides that the county judge of each county within the State, shall tabulate the result made up from the various reports of ginners, under oath, and forward the same to the Commissioner of Insurance, Statistics and History, for which the county judge is to receive a fee. The bill also provides that a metal tag or mark shall be placed on each bale by the ginner, which shall be stamped with the name of the operator of the cotton gin, with the date on which such bale was ginned.

The bill further provides that the Commissioner of Insurance, Statistics and History, not later than the tenth day of each month, shall prepare, tabulate and make up a report from the reports of the various county judges, and shall give out such tabulated reports to the public press.

Inasmuch as the title of the bill fails to embrace any of the subjects indicated, it is manifest that the proposed legislation has not been enacted in such manner as would make it valid.

S. W. T. LANHAM,
Governor.

[*NOTE.—This should have read "House bill No. 163," and the word "House" is inserted above by the Journal Clerk. The error was made in enrolling the bill, as "Substitute Senate for House bill No. 163," when the Journal, March 31st, pages 1147-9, shows that the Senate amendments were read, and concured in, and not that the House passed a Senate Substitute.

JOURNAL CLERK.]

HOUSE BILL NO. 455.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 7, 1903.

To the Secretary of State:

I return herewith and disapprove House bill No. 455, styled "An Act to assist the Daughters of the Republic of Texas, the Cum Concilio Club and other social and educational clubs of the State of Texas and of Nacogdoches county, Texas, to rebuild the Old Stone Fort of Nacogdoches, Texas, the stones of the same having been carefully preserved by said club and the citizens of Nacogdoches, Texas, and to provide for the care and preservation of the said Old Stone Fort after it is rebuilt."

I can not approve this bill for the following reasons:

It appropriates $2,000 "for the purpose of assisting the Daughters of the Republic of Texas, the Cum Concilio Club of Nacogdoches and other clubs organized for the purpose of promoting history, education and science in this State and in Nacogdoches county," and further states in express terms that "the same is hereby appropriated for the purpose of assisting said educational and benevolent *associations*," etc.

It is nowhere provided that the State shall own the "Old Stone Fort," or in any way control it.

Section 51, Article 3, of the Constitution says: "The Legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, *association* of individuals, municipal or other corporations whatsoever," etc.

It is worthy of note that it became necessary to amend this section of the Constitution before aid could be granted to Confederate soldiers. However patriotic may be the purpose of this bill, and however strongly its object may appeal to our sentiments and sympathies, I feel constrained to withhold Executive approval of the measure, because I believe it is at variance with and prohibited by the Constitution.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 490.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 9, 1903.

To the Secretary of State:

I disapprove and herewith transmit House bill No. 490, entitled "An Act to authorize the Galveston, Harrisburg & San Antonio Railway Company to purchase, own and operate the railways of the New York, Texas & Mexican Railway Company, with the franchises and all property thereunto appertaining; the railways of the Gulf, Western Texas & Pacific Railway Company, with the franchises and all property thereunto appertaining; the railway of the Gonzales Branch Railroad Company, with the franchises and all property thereunto appertaining; and the railways of the Galveston, Houston & Northern Railway Company, with the franchises and all property thereunto appertaining; or

either or any of such railways, with its or their franchises and appurtenances, and to authorize the corporations now owning each of said railways and its or their franchises and appurtenances to sell the same; to authorize the Galveston, Harrisburg & San Antonio Railway Company to construct, own, operate and maintain, or to amend its charters so as to authorize it to construct, own, operate and maintain an additional branch or line of railway; to authorize the Galveston, Harrisburg & San Antonio Railway Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, or such of them as shall be purchased, and to the amount of the value of the additional branch or line of railway hereafter constructed by it under the provisions of this act, as such value may be fixed by the Railroad Commission of Texas; and to regulate the reports of the operations of such properties."

The restriction against the combination of parallel or competing lines of railroads is, and for many years has been, the settled policy of this State, as well as of most of the other States of the Union. This policy has not only found place in statute law, but has been declared by the courts necessary to protect the public from the establishment of monopolies. The unanimity with which the various States have legislated against the combination of competing means of transportation shows that such action is not the result of local prejudice but of the general belief that such monopolies are reprehensible and that competition should remain untrammeled.

If, as is claimed by some, the effect of our Railroad Commission law is to destroy or, at any rate, to minimize competition in transportation charges, still a scarcely less important competition, that in the character of the service rendered, remains effective and must be preserved.

This sentiment has found expression in the State Constitution in these words: "No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line."

It will be observed that all consolidations of railroads are not denounced, but that the prohibition extends to such roads only as are parallel or competing, and the reason for this is obvious.

Manifestly, it is better for all concerned to have different points connected by one continuous line than by two or more connecting roads, with the resultant increase in the cost of operation and inconvenience and delay to the traveling and shipping public.

The correctness of this statement is so universally recognized that it has at all times been the setled policy, in this State at least, and, so far as I know, in all others, not only to authorize but to encourage the combination of such railroads as are neither parallel or competing.

The various Legislatures of Texas have passed acts empowering different railroad corporations to acquire and absorb the properties and franchises of other corporations, and in each instance, in my judgment, where my predecessors have allowed these measures to become laws, the welfare of the public has been thereby promoted.

I have followed, in this respect, the example of the worthy gentlemen who have occupied the position which I now fill, and have approved several consolidation bills, as they are generally called, but I have carefully considered each measure on its merits, and have approved each one only after I have become thoroughly satisfied that it was subject to no constitutional objection, and that the rights and privileges conferred by it would redound to the public good.

I have taken an oath to support the Constitution and am under the most solemn obligation under which one can be placed not to allow any measure to become a law which I believe to be prohibited by that instrument, and exactly the same duty rests upon me to give the people the benefit of my best judgment in exercising the powers conferred upon the Executive of the State as rests upon each member of the Legislature in discharging the duties which devolve upon him; and if, after careful consideration, I can not agree that a measure presented to me would, if it should become a law, be beneficial to those to whom I am so much indebted, I would be as recreant to my trust if I failed to interpose a veto as would be a member of the Legislature who should vote for a bill which he believed, if enacted, would prove detrimental to his constituents.

With a full sense of the responsibility which my position imposes, and with an earnest desire that I might be able to concur in the views of the members of the other branches of the legislative departments of our State government as to the wisdom and desirability of this,

as well as of all other measures which they have passed, I have endeavored to inform myself of its merits, as well as of any possible objections to it.

By the proposed act, if it should become a law, the Galveston, Harrisburg & San Antonio Railway Company, which owns and operates a line of railroad extending from Houston westward through San Antonio, would be authorized to purchase, own and operate, and thereby consolidate with itself, the roads and properties of the Gonzales Branch Railroad Company, extending from Harwood to Gonzales, in Gonzales county, and of the Galveston, Houston & Northern Railway Company extending from Houston, in Harris county, to Galveston, in Galveston county. Neither of these roads is parallel to or competing with any of the other roads affected by this bill, and I can see no objection to the measure, so far as they are involved. But it is further proposed to authorize the Galveston, Harrisburg & San Antonio Railway Company to acquire the railways of the New York, Texas & Mexican Railway Company, extending from Rosenberg, in Fort Bend county, to Victoria, in Victoria county, and also the railways of the Gulf, Western Texas & Pacific Railway Company, extending from Victoria to Beevile, in Bee county, and Cuero, in DeWitt county, through Victoria to or near Lavaca, in Calhoun county. I am not advised that either of these roads is, within the meaning of the Constitution, parallel to or of themselves competing with the Galveston, Harrisburg & San Antonio Railway Company, but the San Antonio & Aransas Pass Railway Company, a corporation organized and existing under the laws of the State of Texas, owns and operates a railroad extending from, among other places, Cuero to the city of Houston. I am further advised and have what to me is satisfactory evidence, that the Southern Pacific Company, a corporation organized under the laws of the State of Kentucky, has acquired 270,544 of the 270,844 shares of the capital stock of the Galveston, Harrisburg & San Antonio Railway Company; that it has likewise acquired 49,294 of the 50,000 shares of the capital stock of the San Antonio & Aransas Pass Railway Company.

The evidence submitted satisfies me that the object of the acquisition of practically all of the stock of the two companies mentioned and the placing of it in the custody of the holding corporation was, and that the effect of such conduct has been, to bring about a consolidation of the two roads mentioned, and that for all practical purposes they are one and the same.

It is, of course, unquestioned that the San Antonio & Aransas Pass road is a parallel and competing road to the Gulf, West Texas & Pacific, and to the New York, Texas & Mexican Railways, and hence the consolidation of these last mentioned roads with the Galveston, Harrisburg & San Antonio Railway Company, with which the San Antonio & Aransas Pass road has been consolidated as stated, would be a clear violation of Section 5, of Article 10, of our Constitution, which not only prohibits the consolidation of such lines, but also expressly prohibits the bringing the same under one management and control.

For these reasons, I am unable to consent that the bill which accompanies this proclamation shall become a law, and it is accordingly vetoed.

S. W. T. LANHAM,
Governor.

HOUSE BILL NO. 560.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 10, 1903.

To the Secretary of State:

I disapprove and transmit herewith House bill No. 560, entitled "An Act to create a more efficient road system in the counties of Guadalupe, Caldwell, Comal, etc.

My objection to the bill is that it attempts to authorize subdivisions of the counties named to impose by vote a tax for road purposes. The Constitution only allows this right to an entire county, and for this reason the bill is vetoed.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 67.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 13, 1903.

To the Secretary of State:

I disapprove and transmit herewith Senate bill No. 67, entitled "An Act to amend Article 4340, of Title XCII, of the Revised Civil Statutes of Texas, relating to declaring quarantine in counties and cities and maintaining and paying the expenses of the same."

I submit the following reasons for this action:

This bill would impose upon the State the responsibility and two-thirds of the expense for maintaining local quarantine—a duty which heretofore has been, and under existing law, is now borne by

the county where such quarantine may be declared.

In cases of emergency, the present law confers ample authority upon the Governor and State Health Officer to declare and maintain quarantine anywhere in the State whenever in the opinion of the State Health Officer it becomes necessary. (See Article 4324, Revised Statutes.) This authority has heretofore been exercised when occasion demanded. In 1897, when cases of yellow fever were found in Beaumont, Houston and Galveston, the State Health Officer (Dr. Swearingen) took charge of the situation, and declared quarantine. In 1898, the same was done by Dr. Blount in a case of yellow fever at Galveston. In 1899 he took charge of and quarantined against Laredo, on account of smallpox in that city. He also, in the same year, sent an inspector to Robertson county, and quarantined against smallpox in that county. It has been found that the counties, through their local authorities in ordinary cases, on their own account and for the sake of self-preservation, have usually acted promptly and, as the statute which this bill seeks to amend contemplates, met the necessary expenses to protect the health of their people. Smallpox has been prevailing more or less in many parts of Texas and other States in the Union for five years. It has been a physical impossibility, as I am advised, for our State Health Officer to even send inspectors to many places when requested. The demands upon it for such service have been of frequent occurrence, and to comply with all of which would necessitate the employment of numerous inspectors at great expense. The office has not even been furnished with an Assistant Health Officer.

The bill provides that the State Health Officer shall, upon the application of the county commissioners court, or in given cases upon the application of a certain number of citizens, go at once or send an assistant to the place sought to be quarantined, and either by himself or through his assistant, maintain the quarantine. Since, as stated, the State Health Officer has no assistant, it must be manifest that it would be impossible to comply with the provisions of this bill, especially if quarantine should be necessary at more than one place at the same time, which it is reasonably probable would be the case.

I am advised that to carry out the provisions of this bill it would require for the first year an expenditure of at least a quarter of a million of dollars, while the entire appropriation heretofore made for our Quarantine Department has not, as a rule, exceeded $50,000. Perhaps not over $5,000 of this amount has at any time been available for such purposes as this bill contemplates.

It is believed that where dangerous and contagious diseases make their appearance in any county or city, it is the duty of such county or city to take all necessary steps as now provided by law for the control and eradication of such diseases, and to protect the health of their people, as far as it is possible to be done, and to meet the expenses of local quarantine. Counties and cities can hardly expect the State to do for them what they should primarily do for themselves. Whatever they can not do for themselves and whatever ought to be done for them, the State should not, if able, hesitate to do.

Local self-government imposes some duties and responsibilities which can not be evaded and should not be borne by the State. The extremity of the county and city is the opportunity of the State. In any case where a dangerous or contagious disease ceases to be local or threatens to become general, or the public health of the State is imperiled, or any special exigency arises, it may be safely assumed that the existing law will be sufficient to enable the health officer hereafter, as it has done in the past, to do whatever may be needed to avert any public menace to the health of the people. The chief purpose of this bill seems to be to transfer local and usual responsibility and expense which should be assumed and borne by counties and cities and place them upon the State. It also has a tendency to supplant local self-government, and might cause resentment on the part of communities against interference by the State.

After thorough consideration, I conceive it to be my duty to veto this bill, and the same is now done.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 97.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 13, 1903.

To the Secretary of State:

I disapprove and herewith transmit Senate bill No. 97, entitled " An Act to regulate the salaries paid to the principals of the three Normal Schools located at Huntsville, Denton and San Marcos, respectively; authorizing the State Board of Education to fix the salaries of the teachers of the said Normal

Schools, and repealing all conflicting laws and parts of laws, and declaring an emergency."

My reasons for this action are as follows:

The essential purpose of this bill is to increase the salaries of the superintendents and teachers at the Normal Schools named.

Under existing salaries, there is a great "race for diligence" to obtain such positions, and it is really a difficult matter to make a selection as between the many worthy and capable persons who apply for them.

The compensation now allowed for superintendents and teachers at these institutions is not relatively inferior to that prescribed for others engaged in different branches of the public service.

There is no doubt that the services of competent persons can hereafter be procured at current salaries, and it is the settled policy of the State that salaries shall not be increased during the terms of those who are receiving them, as is manifest by the provisions of Article 4853 of the Revised Statutes.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 36.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 13, 1903.

To the Secretary of State:

I disapprove and herewith transmit Senate bill No. 36, entitled "An Act to regulate the practice of barbering; the authorizing and licensing of persons to carry on such practice, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas."

As grounds for my action, the following reasons are submitted:

In my judgment there is no necessity for such a law as is here proposed, and besides it seems to me to be an expression of extreme paternalism in government.

It interferes with the rights now enjoyed by a citizen of the State, to shave the beards and cut the hair of his fellowmen for pay, if they choose to employ him, without having to obtain the permission of a board of three men, or being subjected to pains and penalties for an infraction of regulations to be prescribed.

It discourages competition and imposes upon the barber of the future unreasonable inconvenience, expense and possible discrimination, such as have never heretofore been required or practiced.

It concentrates an extraordinary power in the hands of three men, and subjects a quiet citizen, in the pursuit of his lawful occupation, to unnecessary surveillance by governmental authority.

If a man desires to be a barber, he ought not to be compelled to obtain the gracious consent of other barbers before he can open a shop or engage in tonsorial work.

The sanitary feature of the bill seems to be "thrown in for good measure," and to give color and suggest a plausible excuse for the extraordinary legislation proposed.

I have failed to discover any satisfactory or tenable reason in favor of this bill.

Too much government—too much interference with the rights of the people to carry on their honest vocations—too many restrictive rules upon the voluntary and harmless conduct of the citizen and his privilege to pursue his own happiness in his own way and engage in any calling not detrimental to others nor forbidden by good morals, are unsuited to a free country.

The largest possible liberty to the citizen and the least necessary restraint upon the freedom of his action, are fundamental doctrines in republican institutions. Honest competition in every line of legitimate business ought to be facilitated rather than obstructed. "An open field and a fair fight" in every worthy trade and industry should be upheld.

The old, harsh rule of apprenticeship along the lines suggested in this bill, is not an attractive one. To serve under a master by compulsion, if even an opportunity be open for that, as a prerequisite to engaging in any trade, or to be constrained to seek permission of those already following the same occupation, for the privilege to work, or to be compelled to pay for the right to select and prosecute the method whereby it may be desirable to earn one's bread by the labor of his hands, are inconsistent with our American ideas, and could only be justified, if at all, on the ground of great public necessity.

To enlarge the system of government by and through appointive boards, does not seem to me to be sanctioned by wise public policy, and if inaugurated in the "practice of barbering," why should it not be extended so as to embrace every craft or useful occupation?

My sense of public duty compels me to disapprove this bill, and it is accordingly vetoed.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 318.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, April 13, 1903.

To the Secretary of State:

I disapprove and herewith transmit Senate bill No. 318, styled "An Act to amend Article 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3771 and 3775, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add therto Articles 3776a, 3776b and 3776c, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas."

I give the following reasons for my action:

This bill proposes to divide the State of Texas into four pharmaceutical districts; to create a State Board of Pharmacy, with authority to prescribe the pay of its members; to appoint a State Pharmaceutical Agent, who is to receive pay per diem and for expenses; to appoint a Treasurer, not required to give bond; to charge for certificates of registration and for examination of applicants etc.

The bill would require great expense and inconvenience to applicants, owing to the size of the four districts. The existing law makes it the duty of the judges of the district courts to appoint a board of pharmaceutical examiners for their respective districts, and such board is required "to meet once a year in as central portions of the district as practicable." The law already upon our statute books relating to pharmacy seems reasonably sufficient for the purposes contemplated, nor is it believed that any pressing necessity exists for the creation of the board with the extraordinary powers thereon conferred, as provided in this bill. Article 3776a of the bill provides that "Any person not a qualified pharmacist, as defined in this act, who shall compound or dispense prescriptions or retail drugs or medicine, and any proprietor of a drug store who shall permit the same to be done except under the direct supervision of a qualified pharmacist, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars; * * * provided, that nothing in this act shall be construed to prevent the selling of patent or proprietary medicines in unbroken packages."

With reference to this article, I quote the opinion of the State Health Officer, who says:

"I regard this the most objectionable feature of the bill, as it would prohibit the country merchant and small dealers in general merchandise, who usually handle drugs, from retailing drugs and medicines, but permits them to sell patent and proprietary medicines. In other words, the man living in the country, several miles from the city where drug stores are kept under the supervision of a qualified pharmacist, can not go to the general merchandise store in his neighborhood and purchase twenty-five cents worth of quinine, but must buy a package of patent chill tonic; he can not buy a dime's worth of calomel, but must buy a package of liver pills. He can not buy any drug or medicine in bulk for ten, fifteen or twenty-five cents, as has always been his custom, unles it is dispensed by a licensed pharmacist, but he must buy the medicine in packages or buy patent medicines costing him more than the medicine in bulk. This, I think, would work a hardship on the class of people living out of the cities, for there are times when medicine is needed for immediate use and this bill, if it becomes a law, will prevent the small dealer in merchandise from retailing drugs except under the direct supervision of a licensed pharmacist, and the small dealer, as a rule, can not afford to employ a licensed pharmacist. Under this act the dealer in general merchandise can not sell in bulk the ordinary household remedies, such as quinine, calomel, salts, turpentine, or castor oil for medicinal use, paregoric, alum, borax, blue-mass, bismuth, etc."

I think it would be unjust to those of our people who live in the rural districts to deprive them of the right to buy the simple medicines mentioned according to their own choice, and subject them to the delay and inconvenience which this bill would impose upon them.

It is not provided in the bill that the said board or any of its members shall give any bond. They would neither be under oath as to the faithful discharge of their duties, nor would they be held liable to the State for their official conduct; they would be responsible only to themselves, and yet it is manifest from the provisions of the bill that considerable sums of money would be received and disbursed by them, if it should become a law.

A peculiar clause of the bill is expressed in these words:

"Provided, that the State shall never be liable for the salary and expenses of any member of this board except for such money as may be collected by the

board from applicants for certificates in the manner provided by law."

I have carefully examined this bill, and after due consideration, I believe it to be my duty to object to its becoming a law, and it is accordingly vetoed.

S. W. T. LANHAM,
Governor.

APPENDIX H.

EXECUTIVE VETOES ON GENERAL APPROPRIATION BILL.

Following is the Governor's proclamation filed with the Secretary of State, with his reasons for vetoeing certain parts of the general appropriation bill.

EXECUTIVE OFFICE,
STATE OF TEXAS.

Austin, Texas, May 15, 1903.

To the Secretary of State:

I transmit herewith the general appropriation bill (Substitute House bill No. 1), entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1903, and ending August 31, 1905, and for other purposes."

The responsibility for the passage of this bill is general and distributed; accountability for its revision and reduction is single and easily located. I have bestowed upon it, in whole and in part, the most earnest thought and careful consideration at my command. I have sought light and knowledge concerning its provisions from every accessible source. Nothing in it has escaped my observation, and my best judgment has been employed in the effort to reach correct conclusions in the action I have taken concerning it.

I have summoned and consulted with those who are supposed to be best informed in reference to its practical application and bearing upon the different divisions of the public service to which it relates, and have supplemented what they have imparted by personal research. I have striven to avoid material impairment of any department or institution for which it provides, by refraining from interposing objection to any specific appropriation indispensable to their conduct and efficiency for the next two fiscal years. In many respects I have been compelled to subordinate my sympathy, sentiment and natural inclination to the more rigid demand of deliberate and, as it seemed, unanswerable economic judgment. There are many items in the bill which I would cheerfully approve, but for stern and unyielding conditions. There are many ambitions in this world we would like to gratify, many comforts we would fain enjoy, many objects we would delight to accomplish and many other things we would be glad to do, if our ability were equal to our desires. With governments as with individuals, there are limitations which can not safely be transcended. When means are wanting, when money is not at hand or in certain prospect, it is best to do without anything that we are not obliged to have, and the straining of credit is inexpedient except upon extreme necessity. We can not tell what the future may bring forth—all human calculations are liable to be at fault; but when we consult authoritative sources and those upon which common prudence and former practice demand our reliance, we should hesitate long before disregarding what they disclose. I shall be very glad to see our future revenues exceed our present estimates—they may do so, but I should dread to assume that such will be the case. Acting upon what I believe to be reasonable precaution and conservatism, I have endeavored to reduce the budget shown by the bill as nearly within our reliable resources as it has appeared possible to do without serious detriment to any branch of the public service. It is not claimed that some matters entitled to consideration have not been denied or deferred; but, wherever absolutely just, their suspension, it is hoped, will only be temporary. It will be impossible, without extending this communication to extreme length, to assign a specific cause for the disapproval of each of the many items which are eliminated; but it must not be inferred that reasons constitutional and otherwise, be-